

died of silicosis pneumoconiosis, which he contracted through working in the coal mines. His father was killed by a slate fall in a coal mine. So the coal miners have a great heritage of which they can be proud.

After attending the Appalachian Bible Institute, the Reverend Mr. Perry was ordained in 1957 as a Baptist minister. For the next 40 years, he preached the word of God throughout southern West Virginia.

The Senate chaplain's office, at my request, invited Mr. Perry to come to the Nation's Capital and deliver the Senate prayer for us today. I am pleased the Reverend Mr. Perry brought with him his wonderful family, including his son David Perry, who is a delegate in the West Virginia State legislature, and also his daughter Nancy James. Accompanying them are Cecil Perry's 4 grandchildren and 12 great grandchildren. I am glad the family has come to Washington and is visiting the U.S. Capitol. I trust they will return to the hills of our beloved West Virginia rewarded and informed by their visit here.

The Scriptures say: "Let the elders that rule well be counted worthy of double honor, especially they who labor in the word and doctrine"—1 Timothy 5:17.

The Reverend Mr. Perry has "ruled well." He has "labor[ed] in the word and doctrine." He is "worthy of double honor."

I am delighted, as a Senator from West Virginia, in having this good man visit the Senate today, and I thank him for helping us to begin our day with his eloquent and uplifting words which were not written but came from the heart. Happy Birthday, Mr. Perry.

Last night, I passed beside the blacksmith's door

And heard the anvil ring the vesper chime
And looking in I saw upon the floor
Old hammers, worn with beating years of time

"How many anvils have you had", said I
"To wear and batter all these hammers so?"
"Only one," the blacksmith said, with twinkling eye.

"The anvil wears the hammers out, you know."

And so, the Bible, anvil of God's Word
For centuries, skeptic blows have beat upon
And though the noise of falling blows was heard,

The anvil is unharmed—the hammers, gone.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the con-

trol of the Republican leader or his designee.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. SESSIONS. Mr. President, we are considering the conference report on the Department of Justice Authorization Act. I would like to highlight a few matters in that bill that I believe are important to justice in America.

I serve on the Senate Judiciary Committee and have wrestled with a number of these issues, both as a Federal prosecutor and as a member of the committee. I think there are some good things in the bill, and I would like to make a few points that I think are important.

One thing I know the chairman is interested in and has been a leader in supporting is the Coverdell forensic science legislation, named for former Senator Coverdell of Georgia, who is now deceased. I know that Senator MILLER, the Acting President pro tempore, has been instrumental and helpful in making this bill a reality.

The reason it is important is this. Throughout our entire criminal justice system, it is my view that delay is hurting justice in America. Cases take far longer than necessary to reach a conclusion, and justice delayed is justice denied. When a criminal is caught in a significant drug case, dealing drugs or some other offense, and time goes by, month after month after month, and that person is released on bail, back in the community amongst maybe his friends and criminal element and others who are looking to see if anything is going to happen to the person who got caught burglarizing an automobile or home or selling drugs, and a year or more goes by and nothing happens—that is a problem. It undermines respect for law. It undermines the integrity of the criminal justice system. It is not right.

We had in my State recently the worst murder in the history of Alabama. No one can think of a more serious one. Six people were murdered. The individual who murdered those people had been out on bail and was out on bail at that time because the chemical analysis on the drugs he had sold had not yet come back from the State laboratory.

As a professional prosecutor for most of my life, nearly 15 years, I would say to you that on a regular basis in courts all over America, a delay in getting fingerprints, ballistics, drug analysis, and DNA is slowing down justice. It is

allowing criminals to stay free. It is allowing people to remain under a cloud who might be found innocent when an analysis comes back. It is not a good situation. We need to highlight that, and the Coverdell bill provides States support for State laboratories to encourage them to get caught up and stay where they ought to be.

In my view, if it takes no more than a few hours to do a laboratory analysis on a powder to find out if it is cocaine, why can't we get it back in a matter of days? I think our goal in America should not be weeks, it should not be months, but it should be days when these reports come back. It does not take more time, and it does not really cost more money to have a chemical analysis done today rather than waiting 6 months to do that chemical analysis. So I would just say that is important.

I am glad we strengthened that bill with some amendments in this language. There are appropriations of some \$35 million in the appropriations bill that will go along with this. We are moving in the right direction.

In my view, the single greatest bottleneck in the criminal justice system today is the forensic capability. We are far too far behind on that. When you consider all the people we are hiring in police, law enforcement, judges, jails, sheriffs, deputies and all those, the very few we have on forensic work that is slowing down all of their work is a weakness in the system that I think ought to be fixed.

This bill does something else that I think is important. The Boys and Girls Clubs in America are proven to be some of the finest agencies anywhere for the delivery of services, hope, and encouragement to young people in poor areas of our country. They have done tremendous work. I have visited centers in Huntsville, Mobile, and other places. I have talked with their leadership and studied their programs. It is a tremendous program.

We are providing, through this bill, greater help to them. They are managing personnel and managing the money that they get efficiently, to get the greatest possible benefit for young people in communities all across America. I am glad we are doing that.

The bill provides for additional monies for drug courts. The first drug court began in Miami. Judge Goldstein and a couple of other judges developed a concept where many people involved with the criminal justice system, both with drug charges and other criminal charges could get help with the root of the problem, their serious drug habits. They believed that if those individuals were carefully monitored under the supervision of a judge who could order them to jail if they did not cooperate, improved behavior could occur, the drug use could be prevented or reduced, treatment could be carried out effectively, and our crime rates would go down.

The numbers seem to bear that out. In fact, they cited exceedingly positive

numbers in the early 1980s. I was a prosecutor as U.S. attorney in Mobile, AL. I remember participating in bringing Judge Goldstein up to our community to talk about it. As a result of his presentation, our community established a drug court which has been led most ably for many years by Judge Mike McMaken, a State judge there in Mobile County. I believe it works.

I also think we have not fully studied drug courts to understand how they work and how they can be made to work better, what are the most effective parts of the drug court process, and what should we emphasize and what should we deemphasize. I had hearings on this very subject when I chaired the courts subcommittee of the Judiciary Committee early last year.

This bill does require that the General Accounting Office conduct a very rigorous, scientific study of the drug courts to find out what works and what doesn't and to see if we can't do a better job of intervening in lives going bad.

The way it works is simply this: An individual is arrested for a minor crime. Usually, it is the first offense. It could be drugs, or it could be another crime. Hopefully, when they are arrested, they are tested for drugs in that system because that is an important thing, in my view. You need to know what is driving that criminal behavior. Every defendant in America arrested for any offense should be immediately drug tested, in my view. A lot of them have a history of drug problems. Immediate testing would let us know that this individual, arrested for whatever crime, if it is their first offense, has a drug problem.

The way the drug court works is that the judge says they will not send them to jail, and in some cases even allow them to have their conviction set aside only if, over a period of months, they conduct themselves under the most rigorous scrutiny in a way that eliminates drug use or criminal activity.

The defendant would voluntarily sign up for the drug court procedure. They are drug tested on a weekly basis—maybe three times a week at first. They report regularly to the probation officer. And on a weekly basis they report personally to the judge. If they come in drug positive, he may put them in jail for the weekend. If he believes it is hopeless and that they are not going to succeed in the program, he will send them to jail and kick them out of the drug court program. But we believe there is some success being found with this program.

It is spreading all over America. More and more cities are doing it. When you have a tough judge, a good probation officer, and intense drug testing with the availability of drug treatment, it is quite often possible that lives can be turned around as a result of this intervention. It is a tough love type of program which does have the possibility of being successful.

I am glad we are expanding that. I support that. I have been at the very

beginning of this kind of program. But I don't think we know enough about it yet and what the key parts of it are, or what the program should contain or maybe what should not be a part of any drug court program. So the study should help us in that regard.

We have a lot of challenges in America in our Federal court system. Federal judges are needed in certain districts. Our population has grown. Certain types of criminal activities have grown. We, obviously, at various points in time, have districts with surging caseloads that need relief in terms of the number of Federal judges we have.

I am not one who believes we ought to just exponentially expand the Federal court system. I propose that we take one-half of what the Administrative Office of Courts requested—50-some-odd Federal judges—and that we approve 24 Federal judges based on a strict caseload basis in the districts where judgeships are most needed, and where those cases are based on a weighing of caseload factors—not just on cases but weighted for how big and how difficult the cases are.

We know, for example, that southern California has not had any relief for some time. It has been seeing a surge in caseload based on such things as immigration as well as other crimes that go into Federal court. They are larger numbers when you are on a border like that. This will provide 20 new judges—a number of them temporary. But the net result will be assistance to some critical districts in America, such as the western district of Texas, or the southern district of California. I think we are moving in the right direction there.

I am also pleased that a bill that Senator DIANNE FEINSTEIN and I offered—the James Guelff and Chris McCurley Body Armor Act—was made a part of this legislation. This bill dealt with the situation in which violent criminals today are oftentimes better armed and better protected than the police. It is estimated that 25 percent of police do not have body armor available to them. But criminals can go out and buy body armor. It is a crime, for example, for a criminal to have weapons. A felon who possesses a gun is in violation of Federal and most State legal systems. But, it is not today a crime for a felon to be wearing body armor, or to wear body armor during the course of a crime.

James Guelff was murdered as a result of a confrontation with an individual wearing body armor. Chris McCurley, a deputy sheriff in Alabama, was out to arrest a criminal. He entered the residence of that defendant and was killed in a shootout. It was discovered that the defendant—the criminal—premeditatedly and calculatedly waited for him while wearing body armor, prepared himself for a shootout, and killed him on that scene.

This bill is named for James Guelff and Chris McCurley. It would add in-

tense punishment to criminals who use body armor in the course of their criminal activity.

It has the support of the Fraternal Order of Police, the National Association of Police Organizations, the Federal Law Enforcement Officers Association, and many other national police groups.

I think, all in all, there are good things in this legislation. I wish we could have done more. I support it, and look forward to voting favorably on it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

CONFIRMING CIRCUIT COURT JUDGES

Mr. McCONNELL. Mr. President, we have heard lately a lot of self-congratulation by our Democratic friends on the Judiciary Committee about confirming judges. However, my friends' self-congratulation is arrived at not by comparing apples and apples but by cherry-picking the period of time that will be most advantageous to them.

It is beyond a doubt, with respect to circuit court nominees in particular, that President Bush is being treated far worse—dramatically worse—than any President in recent history in his first term. In both absolute and relative terms, no President of the United States has been treated as badly as President Bush in their first Congress.

Let us take a look at the last four Presidents and their record with regard to circuit court nominations during the first 2 years of their Presidency.

During the Reagan years, 1981–1982—President Reagan submitted 20 nominations for the circuit court, and 19 of them were confirmed—95 percent. President Reagan, of course, had a Republican Senate during those 2 years.

President George Bush in his first 2 years, when his party did not control the Senate, in a session comparable to the one we are in now, submitted 23 circuit court nominations, and 22 of them were confirmed—96-percent confirmation during the first President Bush's term when his party did not control the Senate, and exactly the situation we find ourselves in today.

With regard to President Clinton in his first 2 years, a period during which his party did control the Senate, he submitted 22 circuit court nominations, and 19 were confirmed. That is an 86-percent confirmation rate.

It is noteworthy, even when his own party controlled the Senate, President Clinton's percentage of confirmations was slightly less than President George H. W. Bush when his party did not control the Senate during the first 2 years, but still a hefty percentage, 86 percent.

Then we look at the first 2 years of the presidency of George W. Bush, which is now coming to a conclusion. We are near the end now where the statistics actually mean something.

President George W. Bush has submitted 32 circuit court nominations to